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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/665,176	09/19/2003	Michael J. Sullivan	B03-40	6293
40990	7590	06/01/2005	EXAMINER	
			GORDEN, RAEANN	
		ART UNIT		PAPER NUMBER
		3711		
DATE MAILED: 06/01/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/665,176	SULLIVAN ET AL.	
	Examiner	Art Unit	
	Raeann Gorden	3711	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 03 May 2005.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-3,6,7 and 10-23 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-3,6,7,10 and 12-23 is/are rejected.
- 7) Claim(s) 11 is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some * c) None of:
1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____. |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____. | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| | 6) <input type="checkbox"/> Other: _____. |

DETAILED ACTION

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 19 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 19 is broader than claim 18.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-3, 6, 7, 10, and 12-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sullivan (6,394,914). Regarding claims 1-3, Sullivan discloses a four-piece golf ball comprising a core, an inner cover layer, intermediate cover layer and an outer cover layer. The inner cover layer is equivalent to applicant's outer core layer and intermediate cover layer is equivalent to applicant's inner cover layer. The core has a diameter from 0.80 to 1.62 inches and inner cover layer has a thickness from 0.01 to 0.2 inch. The core is obviously at least 70% of the volume of the two layers combined. The core has a compression from 20 to 70 (col. 16). The inner cover layer (app's outer

core) has a Shore D hardness from 60 to 80 (Shore C 89-115; col. 5 lines 25-35), also see examples table 10. The inner cover layer is may be made from ionomers (stiffener). The compression of the core and inner cover layer is larger than the core; see examples 2 and 4 (table 10), where the compression of the combined layers is 75. Regarding claim 6, the core is made from polybutadiene, a crosslinker, filler and peroxide (col. 16). Regarding claim 7, the core has a diameter from 0.80 to 1.62 inches and inner cover layer has a thickness from 0.01 to 0.2 inch. Regarding claim 10, the inner cover layer (app's outer core) has a Shore D hardness from 60 to 80 (Shore C 89-115; col. 5 lines 25-35). Regarding claims 12 and 13, the intermediate layer (app's inner cover layer) has a Shore D hardness from 50 to 65 (col. 3, line 31). Regarding claims 14 and 15, the intermediate layer (app's inner cover layer) has a thickness from 0.01 to 0.2 inch (col. 16). Regarding claims 16 and 17, the outer cover has a Shore D hardness from 10 to 55 (col. 5, line 33). The golf ball has a compression between 80 and 100 (table 10). Regarding claims 18 and 19, the outer cover layer thickness is from 0.01-0.20 inch (col. 16). Regarding claim 20, the intermediate cover layer (app's inner cover layer) is made from ethylene methacrylic acid copolymers and the outer cover layer is made from thermoset polyurethane (col. 6-7). Regarding claims 21-23, Sullivan discloses a four-piece golf ball comprising a core, an inner cover layer, intermediate cover layer and an outer cover layer. The inner cover layer is equivalent to applicant's outer core layer and intermediate cover layer is equivalent to applicant's inner cover layer. The core has a diameter from 0.80 to 1.62 inches and inner cover layer has a thickness from 0.01 to 0.2 inch. The core is obviously at least 70% of the volume of the

two layers combined. The core has a compression from 20 to 70 (col. 16). The inner cover layer (app's outer core) has a Shore D hardness from 60 to 80 (Shore C 89-115; col. 5 lines 25-35), also see examples table 10. The compression of the core and inner cover layer is larger than the core; see examples 2 and 4 (table 10), where the compression of the combined layers is 75. The intermediate layer (app's inner cover layer) has a Shore D hardness from 50 to 65 (col. 3, line 31). The outer cover has a Shore D hardness from 10 to 55 (col. 5, line 33). The golf ball has a compression between 80 and 100 (table 10). One of ordinary skill in the art would vary the ranges of Sullivan for optimal results.

Allowable Subject Matter

Claim 11 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

Applicant's arguments with respect to claims 1-3, 6, 7, 10-23 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Raeann Gorden whose telephone number is 571-272-4409. The examiner can normally be reached on M-F 9-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Greg Vidovich can be reached on 571-272-4415. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Rg
May 26, 2005



RAEANN GORDEN
PRIMARY EXAMINER